

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROGRESSIVE NORTHERN INSURANCE
COMPANY,

CIV #: 07cv4033 (CLB)

VERIFIED ANSWER

Plaintiff,

-against-

DANIEL BELTEMPO, FRANCINE BELTEMPO,
PAMJAM, INC., JILCO EQUIPMENT LEASING
COMPANY, INC., DANA'S PRO TRUCKING INC.,
TRAILMOBILE CORP., TRAILMOBILE PARTS
AND SERVICE CORP., THERMO KING CORP.,
INGERSOLL-RAND CO., LTD., and THERMO KING
CORP., A UNIT OF INGERSOLL-RAND COMPANY
LTD.,

Defendants.

Defendant, JILCO EQUIPMENT LEASING COMPANY, INC., through their
attorneys, Barry, McTiernan & Moore, answering the Verified Complaint of the Plaintiff,
states as follows:

AS TO THE FIRST CAUSE OF ACTION

1. Denies any knowledge or information sufficient to form a belief as to the
allegations contained in paragraphs "1", "2", "3", "4", "5", "8", "9", "10", "11", "12",
"13", "14", "15", "16", "17", "18", "19", "20", "21", "23", "27", "29", "30", "32", "33",
"47" and "48" of the Verified Complaint.
2. Denies each and every allegation contained in paragraphs "6" and "22" of
the Verified Complaint.
3. Admits each and every allegation contained in paragraphs "7", "25", "26"
and "31" of the Verified Complaint.

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4. Denies each and every allegation contained in paragraphs "24", "28", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45" and "46" of the Verified Complaint, and respectfully refer all questions of law to this Honorable Court.

**AS AND FOR A FIRST SEPARATE AND COMPLETE
AFFIRMATIVE DEFENSE, DEFENDANT,
JILCO EQUIPMENT LEASING COMPANY, INC.,
ALLEGES THE FOLLOWING,
UPON INFORMATION AND BELIEF:**

5. Plaintiff fails to state a cause of action in the Complaint.

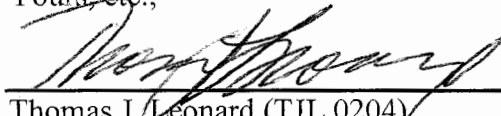
**AS AND FOR A SECOND SEPARATE AND COMPLETE
AFFIRMATIVE DEFENSE, DEFENDANT,
JILCO EQUIPMENT LEASING COMPANY, INC.,
ALLEGES THE FOLLOWING,
UPON INFORMATION AND BELIEF:**

6. That the service of the Summons was not properly served upon the defendant, JILCO EQUIPMENT LEASING COMPANY, INC., in that said defendant was not served in accordance with the requirements set forth in the CPLR. That the Court lacks jurisdiction over the defendant.

WHEREFORE, Defendant, JILCO EQUIPMENT LEASING COMPANY, INC., demands judgment dismissing the Verified Complaint of the Plaintiff herein as to said Defendant, together with the costs, fees, and disbursements of this action.

Dated: White Plains, New York
June 14, 2007

Yours, etc.,



Thomas J. Leonard (TJL 0204)
Barry, McTiernan & Moore
Attorneys for Defendant
JILCO EQUIPMENT LEASING
COMPANY, INC.
55 Church Street
White Plains, NY 10601
(914) 946-1030

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To:

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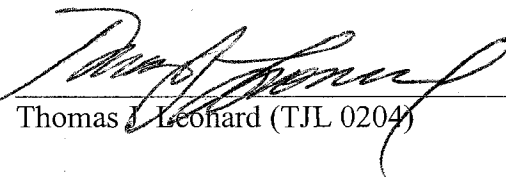
Law Office of Lori D. Fishman
Attorneys for Defendants
TRAILMOBILE CORP. and
TRAILMOBILE PARTS AND SERVICE
CORP.
303 South Broadway - Suite 435
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(914) 524-5600

Thomas J. Leonard, being an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

I am a member of the law firm of Barry, McTiernan & Moore, attorneys for the Defendant, JILCO EQUIPMENT LEASING COMPANY, INC., herein. I have read the Answer, know the contents thereof and that the same is true to my knowledge. I further state that the sources of my information and the grounds of my belief as to all the matters therein not stated upon my knowledge is based upon materials in the file, investigations, reports and documents contained in the file, and information received by myself in the course of duties as an attorney for the Defendant.

I further state that the reason this verification is made by me and not by the answering Defendant is that I am in possession of material information on which this action is based, and said answering Defendant does not reside in the County wherein your affirmant maintains his offices.

Dated: White Plains, New York
June 14, 2007


Thomas J. Leonard (TJL 0204)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

LORI JACOBSON, being duly sworn, deposes and says: I am not a party to this action, am over 18 years of age and reside in Yonkers, New York.

That on June 20, 2007, a true copy of the annexed **Verified Answer** was served in the following manner:

By mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

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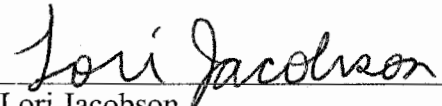
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New York, NY 10019-3800
(212) 265-6888


Lori Jacobson

Sworn to before me this
20th day of June, 2007


THOMAS J. LEONARD
Notary Public, State of New York
02LE5065588
Qualified in Westchester County
Commission Expires September 9, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-against-

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COMPANY LTD.,

Defendants.

VERIFIED ANSWER TO VERIFIED COMPLAINT

BARRY, McTIERNAN & MOORE

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